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10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **[MODESTO DIVISION]**
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14 In re:
15 **NATHAN BENJAMIN DAMIGO,**

16 **Debtor**

17 Chapter Number: 7

18 **ELIZABETH SINES, SETH**
19 **WISPELWEY, MARISSA BLAIR,**
20 **TYLER MAGILL, APRIL MUNIZ,**
21 **HANNAH PEARCE, MARCUS**
22 **MARTIN, NATALIE ROMERO,**
23 **JOHN DOE, AND CHELSEA**
24 **ALVARADO**

25 **Plaintiffs**

26 **v.**

27 **NATHAN BENJAMIN DAMIGO**

28 **Defendant**

Case No. 19-90003-E-7
Judge: Hon. Ronald Sargis

NOTICE OF HEARING ON
DEBTOR'S MOTION FOR
SUMMARY JUDGMENT

Adv. Pro. No. 19-09006

Hearing Date: June 26, 2025
Hearing Time: 10:30 a.m. (PDT)

Action Filed: January 19, 2019
Trial Date:

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

1 Please take notice that on June 26, 2025 at 10:30 a.m., or as soon thereafter as the
2 matter may be heard, in Department E of the United States Bankruptcy Court for the
3 Eastern District of California, located at 501 I Street, Suite 3-200, Sacramento,
4 California, in person or via Zoom (if the Court permits), the Court will hear the motion
5 for summary judgment brought by Debtor and defendant Nathan Damigo.

6 **Grounds:** As further detailed in the Debtor's motion, supporting memorandum,
7 and cited exhibits, Debtor files this motion in accordance with Bankruptcy Rule 7056,
8 Local Rule 7056-1, and FRCP 56 on the grounds that in accordance with the strict
9 requirements imposed on plaintiffs as to their invocation of the 11 U.S.C. Section
10 523(a)(6), the stringent requirements for collateral estoppel, and the holdings of the
11 jury in *Sines v. Kessler*, Case No. 3:17-cv-00072, plaintiffs' invocation of the Section
12 523 (a)(6) exception fails as a matter of law.

13 **Relief Requested:** Mr. Damigo requests that the plaintiffs' invocation of a Section
14 523(a)(6) exception be denied and their adversary complaint be dismissed in its
15 entirety.

16 **Opposition:** Any party opposing this motion for summary judgment or motion for
17 partial summary judgment shall file and serve opposition by June 11, 2025. Any party
18 opposing a motion for summary judgment or partial judgment shall reproduce the
19 itemized facts in the Statement of Undisputed Facts and admit those facts which are
20 undisputed and deny those which are disputed, including with each denial a citation
21 to the particular portions of any pleading, affidavit, deposition, interrogatory answer,
22 admission, or other document relied upon in support of that denial. The opposing party
23 may also file a concise "Statement of Disputed Facts," and the source thereof in the
24 record, of all additional material facts as to which there is a genuine issue precluding
25 summary judgment or adjudication. The opposing party shall be responsible for the
26 filing with the Court of all evidentiary documents cited in the opposing papers. If a
27 need for discovery is asserted as a basis for denial of the motion, the party opposing
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1 the motion shall provide a specification of the particular facts on which discovery is
2 to be had or the issues on which discovery is necessary. Opposition must be served
3 on counsel for Debtor as follows: Glen Allen, Esq., 5423 Springlake Way, Baltimore,
4 MD 21212. Failure to file a timely written opposition may result in the motion being
5 resolved without oral argument and the striking of any untimely written opposition.

6 **Objections to Evidence:** Respondent shall file and serve written objections to
7 Movant's evidence by June 11, 2025. Movant shall file and serve written objections
8 to Respondent's evidence not later than June 18, 2025, the date set by the Court for
9 Movant's reply. Failure to object to the opposing party's evidence by that date and
10 in the manner described herein may be deemed a waiver of the objection. The
11 objection shall be in a separate document and shall (1) state with particularity,
12 including citation to the record, the evidence to which objection is made; (2) identify
13 which of the opposing party's undisputed facts are supported by the evidence to which
14 objection is made; and (3) the basis for the objection.

15 **Pre-hearing Dispositions:** Respondents may determine whether the matter has
16 been resolved without oral argument or whether the Court has issued a tentative
17 ruling, and can view any pre-hearing dispositions, by checking the Court's website at
18 www.caeb.uscourts.gov after 4:00 p.m. on the day before the hearing. Parties
19 appearing telephonically must view the prehearing dispositions prior to the hearing.

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21 Dated: May 12, 2025

22 Respectfully submitted,

23 _____/s/_____
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25 Glen K. Allen, Esq.
26 5423 Springlake Way
27 Baltimore, MD 21212
28 Attorney for Nathan Damigo, Debtor

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025 true and accurate copies of the foregoing were served via ECF procedures of this Court to all counsel of record.

_____/s/_____

Glen K. Allen, Esq.
5423 Springlake Way
Baltimore, MD 21212
Attorney for Nathan Damigo, Debtor